

Remarks

Amendments

The present amendment of claim 1 is not intended to narrow the scope of the claimed invention in any way, and should not be construed as such.

Traversal of Restriction Requirement

The Office Action divides the claims into two groups:

Group I: Claims 1-5, 7-9, 16-19, drawn to a synthesized oligourea comprising the basic arginine-rich region of HIV Tat and methods of inhibiting Tat/Tar binding interactions employing said compound; and

Group II: Claims 6, 10-15, 20-26, drawn to a synthesized oligourea that has a specific binding affinity for any given nucleic acid and methods of inhibiting protein-nucleic acid binding interactions employing said compound.

The Office Action requests that Applicants elect one of the two groups since the Office Action asserts a lack of unity of invention between two groups. While the Office Action acknowledges that "the novelty of the instant invention appears to be directed towards a synthesized oligourea comprising the basic arginine-rich region of HIV Tat,"(p. 1, ll. 12-14) the Office Action asserts that Group II does not share a special technical feature with Group I and that, therefore, "Group I and II do not relate to a single inventive concept under PCT Rule 13.1. (p. 2, ll. 1-2).

To the extent that the restriction requirement can be applied to the amended claims, Applicants respectfully traverse.

According to Rule 13 of the Patent Cooperation Treaty, "the international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept" (Rule 13.1) ... and "where a group of inventions is claimed in one and the same application, the requirement of the unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features." (Rule 13.2) The term "special technical features" is defined as those technical features that define a contribution which each of the inventions considered as a whole, makes over the prior art. The determination is made based on the contents of the claims as interpreted in light of the description and drawings. M.P.E.P. 1850 (Col. 1, p. 1800-66, Rev. 1, Feb, 2003). The application of the principles of unity of invention is further illustrated by examples in Annex B of the Administrative Instructions under the PCT.

While the Office Action correctly points out that the novelty of the instant invention appears to be directed towards a synthesized oligourea comprising the basic arginine-rich region of HIV Tat as shown in claims of Group I, the Office Action fails to recognize that the claims of Group II are also directed to a synthesized oligourea or a method of use thereof. When Groups I and II are considered as a whole and interpreted in light of the description and drawings, Applicants note that the synthesized oligourea is involved in a common special technical feature. The special technical feature is a chemical structure illustrated in Figure 1 of the instant application. This special technical feature comprises an oligourea backbone including amino acid sequences at R1 and R2. The synthesized oligourea confers binding affinity to a nucleic acid sequence and inhibits protein-nucleic acid interactions. (Spec. p. 3, ll. 16-

17; p. 5, ll. 24-27). Group I is merely directed to aspects of the instant invention when R1 and R2 in a synthesized oligourea comprise the arginine-rich region of HIV Tat, wherein the synthesized oligourea has binding affinity for Tar (an HIV specific nucleic acid sequence) and inhibits Tat/Tar interaction (Spec. p. 6, ll. 20-29).

Applicants further note that the special technical feature described in Group I and II is parallel to those described in Examples 18, 19 and 20 of Annex B under Administrative Instructions Under the PCT, all of which demonstrate unity of invention under PCT Rule 13.2. (M.P.E.P., AI-71, Rev. 1, Feb. 2003)

Given that there is a technical relationship between Group I and II involving a special technical feature, Group I and II are considered to have unity of invention under PCT Rules 13.1 and 13.2. Accordingly, Applicants respectfully request that the restriction requirement be reconsidered and withdrawn.

Provisional Election of Group I

Notwithstanding the above traversal, 37 CFR § 1.499 requires the applicants to elect the invention to which the claims are restricted. Therefore, applicants provisionally elect Group I, containing claims 1-5, 7-9, 16-19, with traverse.

No fees are believed due with this communication. However, the Commissioner
is hereby authorized and requested to charge any deficiency in fee herein to Deposit
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Respectfully submitted,
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